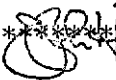


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
AUG 05 2005


CLERK

JAMES G. ABOUREZK, an individual;
JANE FONDA, an individual; and
ROXANNE DUNBAR-ORTIZ,
an individual,

Plaintiffs,

vs.

PROBUSH.COM, INC., a
Pennsylvania Corporation;
MICHAEL MARINO, an individual;
and BEN MARINO, an individual,

Defendants.

CIV 03-4146

THIRD AMENDED RULE 16
SCHEDULING ORDER

Pending before the Court is the Stipulation and Motion to Extend Deadlines, Doc. 50, requesting an extension of the dates for filing answering and reply materials to all motions, other than motions in limine. After consideration of the same,

IT IS ORDERED:

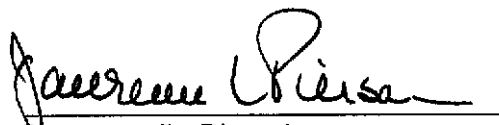
1. That the Stipulation and Motion to Extend Deadlines, Doc. 50, is granted.
2. That the date has expired for the parties to move to join additional parties and to amend the pleadings.
3. That all discovery, including expert discovery, was to be commenced in time to be completed by March 31, 2005, and discovery responses must be supplemented as additional information is available.
4. That there will be a maximum of six (6) depositions for each party, excluding depositions of experts.
5. That the identity of and reports from retained experts under Rule 26(a)(2) were due from Plaintiff by December 10, 2004, and from Defendant by March 11, 2005; any supplementations thereto under

Rule 26(e) shall be due twenty (20) days prior to trial.

6. That a deposition may be taken of each designated expert.
7. That all motions, other than motions in limine, together with supporting briefs, shall be filed and served on or before July 2, 2005; that opposing parties shall file and serve answering materials and briefs on or before August 12, 2005; and reply briefs shall be filed and served on or before August 26, 2005.
8. That final lists of witnesses and exhibits under Rule 26(a)(3) shall be filed and served by Plaintiff and by Defendant ten (10) working days before trial, and the parties shall have five (5) days after service of such lists to file and serve objections thereto under Rule 26(a)(3).
9. That all motions not previously disposed of will be heard and a pre-trial conference will be held on Monday, October 3, 2005, at 1:30 P.M. The lawyer who will be the lead trial counsel at trial for each of the parties is to be in attendance at the pre-trial conference unless specifically excused by the Court from being in attendance.
10. All motions in limine, with supporting authority, shall be in writing and filed, together with proposed instructions, with supporting authority, with the Court ten (10) working days before trial.
11. That jury trial will commence in Sioux Falls, South Dakota, on Tuesday, November 1, 2005, with counsel to be present for motions in limine at 9:00 A.M., and with the jury to report at 9:30 A.M.
12. That the parties shall promptly contact the Magistrate so that the possibility of settlement discussion with the assistance of the Magistrate can be pursued.

Dated this 5th day of August, 2005.

BY THE COURT:


Lawrence L. Piersol
Chief Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: Shelly Margulies
DEPUTY